

The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair

Senator Sharon Y. Moriwaki, Vice Chair

Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Wednesday, February 19, 2025 at 10:16 a.m.

State Capitol, House Conference Room 211 & Videoconference

By

Judge Jeffrey P. Crabtree (ret.)

Director, Center for Alternative Dispute Resolution

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 825, S.D. 1, Relating to Eviction Mediation.

Purpose: Beginning 2/5/2026, extends the period for a notice of termination of a rental agreement; requires landlords to engage in mediation and delay filing an action for summary possession if a tenant schedules or attempts to schedule mediation; requires landlords to provide specific information in the 10-calendar day notice to tenants; and requires mediation to take place within 30 days from the date that a mediation center makes contact with both the landlord and tenant. Repeals 2/4/2027. Appropriates moneys. Effective 7/1/2050.

Judiciary's Position:

The Judiciary SUPPORTS this measure. When the COVID-19 pandemic began, thousands of evictions were predicted to overwhelm the court system. However, enacting and implementing Act 57, Session Laws of Hawai‘i 2021, helped prevent this crisis. Act 57 modified the notice requirements for residential summary possession cases, mandated pre-filing



Senate Bill No. 825, S.D. 1, Relating to Eviction Mediation
Senate Committee on Ways and Means
Senate Committee on Judiciary
Wednesday, February 19, 2025
Page 2

mediation, and made funding available for pre-filing mediation services and rent relief. As a result, 85% of the 1,660 cases mediated statewide under Act 57 settled without litigation. In the First Circuit, 85% of these settlements allowed tenants to remain in their homes, demonstrating the effectiveness of combining pre-filing mediation with rent relief to prevent evictions. Please refer to the Judiciary's testimony of HB1439 (2023).

This success also occurred on a national scale, as shown by the National Center for State Courts (NCSC) Eviction Diversion Initiative. Launched in early 2021, the initiative has expanded to 24 state and local courts across 17 states, with the courts offering eviction diversion programs that include, among other services, pre-eviction mediation and assistance with applying for rental relief. Across these courts, 53% of tenants stayed in their homes when mediation or financial assistance was secured. In Clatsop County Circuit Court (Oregon), every mediated eviction case resulted in no eviction judgment. In Allen County Superior Court (Indiana), only 6% of filed summary possession cases proceeded to trial. In the Las Vegas Justice Court, social workers helped tenants apply for more than \$2 million in rental assistance, leading to the dismissal or denial of 78.5% of eviction cases.

Judiciary highlights that although this bill does not provide rent relief for landlords, our experience shows that early mediation helps even without rent relief. The COVID-era pre-eviction mediation program under Act 57 included rent relief for landlords. When it ended, the Mediation Center of the Pacific ("MCP") continued its mediation efforts without rent relief. MCP reports that of 119 cases mediated, 80 mediations reached agreement. The 67% rate of settlement indicates the success of pre-eviction mediation alone when both sides are willing to mediate. Further, in October 2022, Hawaii Appleseed released a report analyzing Act 57's effects, finding: **Rent relief is not the only important factor.**¹ Despite its availability during COVID-era summary possession cases, it didn't translate to a high settlement rate or a high rate of tenants being able to reach settlements. Other factors, such as whether mediation happened before or during litigation, also impacts the outcome; and **there are demonstrated benefits of early mediation.**² Offering mediation before eviction filings helps resolve disputes more effectively, as parties are less entrenched before litigation begins. It also reduces courtroom pressure, allowing tenants to raise defenses they might avoid, and helps prevent long-term damage to their rental history, giving them more time to secure rental assistance.³

¹ RAY KONG, ET. AL., HAWAII APPLESEED CENTER FOR LAW AND ECONOMIC JUSTICE, EVICTION PREVENTION THROUGH HAWAII'S TENANT-LANDLORD MEDIATION PROGRAM 13, 21 (2022), *available at* https://static1.squarespace.com/static/601374ae84e51e430a1829d8/t/6345d5fcf7ea1378c43084db/1665521161324/Eviction+Prevention+Report_FINAL+2.pdf.

² *Id.* at 21.

³ *Id.* at 20.



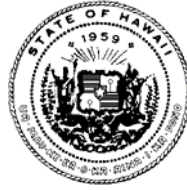
Senate Bill No. 825, S.D. 1, Relating to Eviction Mediation
Senate Committee on Ways and Means
Senate Committee on Judiciary
Wednesday, February 19, 2025
Page 3

The Judiciary previously suggested that mediation should take place within thirty (30) days, from the time that a mediation center has made contact with both the landlord and tenant. Another option is to require the mediation take place within 30 days after the date of the initial Notice the landlord submits to the mediation center. Judiciary has no objection to that alternative suggestion.

The Judiciary respectfully requests that any appropriations for this bill not supplant the Judiciary's existing funding and current budget requests.

Thank you for the opportunity to submit written testimony on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



RYAN I. YAMANE
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWE LAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

February 17, 2025

TO: The Honorable Senator Donovan Dela Cruz, Chair
Senate Committee on Ways and Means

The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 825 SD1 – RELATING TO EVICTION MEDIATION.**

Hearing: February 19, 2025, 10:16 a.m.
Conference Room 211, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure and defers to the Judiciary on resources and implementation. With Act 57, Session Laws of Hawaii 2021, the Judiciary and mediation centers successfully assisted tenants and landlords in avoiding litigation during the COVID-19 pandemic. Having an eviction on one's record can also make securing another rental more challenging, thereby perpetuating housing instability. Preventing evictions is a positive investment for families and children as housing stability supports health and well-being, educational attainment, maintaining employment, and community cohesiveness and resilience.

PURPOSE: Beginning 2/5/2026, extends the period for a notice of termination of a rental agreement from 5 business days to 10 calendar days. Requires landlords to engage in mediation and delay filing an action for summary possession if a tenant schedules or attempts to schedule mediation. Requires landlords to provide specific information in the 10-calendar-

day notice to tenants. Requires mediation to take place within 30 days from the date that a mediation center makes contact with both the landlord and tenant. Appropriates funds.

Repeals 2/4/2027. Effective 7/1/2050. (SD1)

The Committee on Commerce and Consumer Protection amended the measure by:

- (1) Inserting language to require that mediation take place within thirty days from the date that a mediation center makes contact with the landlord and tenant;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Thank you for the opportunity to provide comments on this measure.

February 19, 2025

The Honorable Donovan M. Dela Cruz, Chair

Senate Committee on Ways and Means

The Honorable Karl Rhoads, Chair

Senate Committee on Judiciary

State Capitol, Conference Room 211 & Videoconference

RE: Senate Bill 825, SD1, Relating to Eviction Mediation

HEARING: Wednesday, February 19, 2025, at 10:16 a.m.

Aloha Chair Dela Cruz, Chair Rhoads, and Members of the Joint Committees:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR provides **comments** on Senate Bill 825, SD1, which beginning 2/5/2026, extends the period for a notice of termination of a rental agreement from 5 business days to 10 calendar days. Requires landlords to engage in mediation and delay filing an action for summary possession if a tenant schedules or attempts to schedule mediation. Requires landlords to provide specific information in the 10-calendar-day notice to tenants. Requires mediation to take place within 30 days from the date that a mediation center makes contact with both the landlord and tenant. Appropriates funds. Repeals 2/4/2027. Effective 7/1/2050.

We appreciate the intent of this measure and support peaceful and expeditious mediation coupled with rent relief to aid struggling tenants. During the COVID-19 pandemic when there was an eviction moratorium, Act 57 was passed to create a mediation process for housing providers and tenants to engage in. A large part of the success of the program was that emergency rent relief was available and it was often paid directly to the housing provider. This helped both tenants struggling to make their rent payments as well as housing providers who may have mortgage payments.

Without emergency rent relief, the mediation process alone may not help these tenants who are struggling to pay rent.

We are also concerned that the proposed measure extends the notice period for unpaid rent from 5 business days to 10 calendar days. Additionally, there is no specific timeframe for completing the mediation. As such, HAR has concerns that this could lead to added delays. Extending the notice period without setting a timeframe for the mediation process to be completed could further prolong the process. HAR believes that mediation can happen concurrently with initiating an action for summary possession. Ideally, tenants should reach out to their housing provider or mediation service providers prior to missing their rental payments.

Mahalo for the opportunity to provide testimony on this measure.

Committee on Ways and Means, Committee on Judiciary
Hearing Date: Tuesday, February 11, 2025

Submitted by The Mediation Center of the Pacific, Inc.
SB 825 SD1 - Relating to Eviction Mediation

Dear Chairs Donovan Dela Cruz and Karl Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committee:

The Mediation Center of the Pacific is submitting testimony in STRONG SUPPORT of SB 825 SD1, which establishes and funds a pre-litigation mediation pilot program.

Evictions are harmful for everyone involved. Landlords and tenants both want stability in housing arrangements. For landlords, the process of eviction and finding new tenants is costly. For tenants and their families, the costs are even higher: A forced move may mean the loss of their security deposit and belongings, a change in schools, a longer commute to work, and a negative mark on their rental history that can make finding suitable housing more difficult. For some tenants, eviction will result in homelessness.

Finding ways to resolve disputes between landlords and tenants and to increase housing stability benefits everyone. A pre-litigation mediation program supported by SB 825 SD1 will increase housing stability by encouraging tenants and landlords to work out agreements early, enabling the tenants to remain housed and providing the landlords with their rental income.

Pre-litigation mediation programs for landlords and tenants have a proven track record of success in Hawaii. In 2021, in response to the ending of the moratorium on evictions and the creation of Act 57, Hawai'i established a statewide early landlord-tenant mediation program to prevent evictions. Through the Program, in a one-year period, 1,660 landlord-tenant cases involving past due rent were mediated, with 1,415 or 85% reaching agreement and enabling more than 1,140 tenants to remain in their residence. Like the Act 57 Program, SB 825 SD1 will encourage landlords and tenants to start talking and negotiating agreements before going to court and will build a bridge towards creating a permanent early mediation program in the future.

While pairing early mediation with rental assistance is valuable as demonstrated by the Act 57 program, even when early mediation is not paired with rental assistance, mediating prior to filing an eviction process increases the likelihood of tenant and landlord reaching an agreement. **Over the past two years, The Mediation Center of the Pacific mediated 96 early eviction cases, 86 or 90% of which resulted in final agreements between landlord and tenant when no rental assistance was available.**

With Hawaii's high cost of living, the number of evictions remains high. Unlike the Act 57 program when tenants were behind due to the moratorium on evictions and a pandemic that prevented them from working, today tenants fall behind on their rent due to unforeseen circumstances such as job loss, illness, family matters, and more, and are

too overwhelmed or ashamed to approach their landlord about the situation. When the amount of past due rent grows, landlords rely on the eviction process to remove the tenant and start over.

A pre-litigation mediation program is needed to encourage tenants and landlords to talk early, before the tenant is so far behind, and a payment plan isn't feasible. Through mediation, tenants and landlords can agree on payment plans that keep tenants in their residences or alternately, reach agreements that provide tenants with sufficient time to find an alternate location they can afford.

Evictions create large public costs. According to estimates provided by the "Eviction Cost Calculator", developed by Innovation for Justice, a social justice-focused legal innovation lab housed at both Arizona Law and University of Utah School of Business, Hawai'i's estimated 2,500 annual evictions led to over \$30 million in public costs. These costs result from the increased need for emergency shelters, in-patient care emergency rooms at hospitals, and foster care and juvenile detention. Establishing a pre-litigation landlord-tenant mediation program is a necessary step to reduce the social and financial harm caused by evictions and help create housing stability for all.

Please PASS SB 825 SD1, to help prevent evictions and keep our island residents housed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tracey S. Wiltgen', with a small dot at the end.

Tracey S. Wiltgen Executive Director
The Mediation Center of the Pacific, Inc.

SB-825-SD-1

Submitted on: 2/18/2025 8:00:16 AM

Testimony for WAM on 2/19/2025 10:16:00 AM

Submitted By	Organization	Testifier Position	Testify
Laurie Arial Tochiki	Testifying for Mediation Centers of Hawaii	Support	Written Testimony Only

Comments:

I am writing to express my STRONG SUPPORT OF SB825, which extends the period for a notice of termination of a rental agreement; requires landlords to engage in mediation and delay filing an action for summary possession if a tenant schedules or attempts to schedule mediation; and requires landlords to provide specific information in the 10—calendar—day notice to tenants.

I serve as Chair of the Board of Directors of the Mediation Centers of Hawai‘i. The Mediation Centers of Hawai‘i unites the Mediation Centers across the state in order work collaboratively and to promote the effectiveness of mediation processes to solve many problems that face members of our community every day.

In response to the pandemic, a pre-eviction mediation program was established to stem the negative consequences of evictions. We learned a lot in that process, including the tremendous impact the program had helping tenants and landlords. The devastating effects of the Maui wildfires will have a prolonged affect on the lives of many Maui residents. Mediation is a proven and effective way to improve communication and promote a balanced approach to the crisis. Throughout our state, both landlords and tenants benefit from stability in housing arrangements. Both landlords and tenants benefit from curtailing the cost of eviction litigation. The community benefits because housing stability is a critical issue in Hawai‘i.

A pre-litigation mediation program supported by SB825 will increase housing stability by encouraging tenants and landlords to work out agreements early, enabling the tenants to remain housed and providing the landlords with their rental income.

SB825 will encourage landlords and tenants to start talking and negotiating agreements before going to court and will build a bridge towards creating a permanent early mediation program in the future.

Mahalo, Laurie Arial Tochiki, JD, Ph.D

February 18, 2025

Committee on Ways and Means

Honorable Chair Donovan M. Dela Cruz

Honorable Vice Chair Sharon Y. Moriwaki

LATE**Committee on Judiciary**

Honorable Chair Karl Rhoads

Honorable Vice Chair Mike Gabbard

Re: S.B. 825 SD1- Relating to Eviction Mediation

Legal Aid offers this testimony in support of S.B. 825, with comments.

The Legal Aid Society of Hawai'i ("Legal Aid") is a public interest, non-profit law firm dedicated to achieving fairness and justice through legal advocacy, outreach, and education for those in need. For 75 years, Legal Aid's vision has been "Building a Just Society" for the people of Hawai'i. During the pandemic, Legal Aid played a crucial role by participating in mediation and advocating for the rights and needs of Hawai'i's residential tenants. We continue to represent tenants who are facing eviction, which puts them in danger of being houseless. Many of our clients have families with children, are elderly, or have disabilities that make it difficult to move quickly if they fail to "pay the bills".

This bill establishes pre-litigation mediation in landlord-tenant matters, along with other protections. From our experience, mediation is an **essential** component in the eviction process for the communities we serve. It forces landlords and their attorneys to the negotiation table and plays a huge part in finding the middle ground between tenants and landlords where both sides benefit. Landlords get the rent to pay their mortgage, costs to upkeep the property, and other expenses. Tenants and their families remain housed.

This bill also extends the nonpayment notice from a 5-day notice to a 10-day notice. Increasing the required notice period is clearly needed by those who are subject to eviction. For many, however, even 10 days is often not enough time for tenants to find the proper resources to remedy their back-rent issue. During the pandemic, the nonpayment notice was a 15-day threshold. This allowed tenants to get in touch with the Mediation Center on their island, but more importantly, sign up for rental assistance. Rent relief is currently very limited and often unavailable, necessitating more time for tenants to locate assistance with curing a default. Currently, public housing projects across the nation give a 30-day notice to their tenants, before they can proceed with an eviction. This allows time for tenants who lack resources to contact the appropriate organizations that can help resolve their legal issues.

The Bill can also be clarified to reference the existing statutory cap on attorney's fees, which is currently at twenty-five percent. Section H of the Bill allows landlords to seek reimbursement of all costs, including attorney's fees incurred during mediation. For clarity to those subject to eviction proceedings, a reference to the cap attorney fees at twenty-five (25) percent of unpaid rent in accordance with Hawai'i Revised Statute ("H.R.S.") § 521-35 would help to avoid confusion and litigation over this provision and will protect those who defaulted in these proceedings due to good cause from being unnecessarily punished.

Section E of the bill would remove due process safeguards for tenants. Notice requirements that are strictly enforced ensure that landlords and their attorneys, who have more resources, follow the rules set

by the Legislature. All parties should be held to the same standards of compliance with deadlines and statutory requirements.

Thank you for the opportunity to testify on this bill.

Mahalo,

David Kopper
Executive Director
Legal Aid Society of Hawai'i

To: Senator Donavan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

From: Chevelle Davis, MPH - Director of Early Childhood & Health Policy
Hawai'i Children's Action Network Speaks!

Subject: Measure S.B. No. 825 S.D. 1 – Relating to Eviction Mediation

Hearing: Wednesday, February 19, 2025, at 10:16 AM, Conference Room 211

POSITION: STRONG SUPPORT

Aloha e Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and members of the committees:

Hawai'i Children's Action Network (HCAN) **STRONGLY SUPPORTS S.B. No. 825 S.D. 1**, which extends the notice period for termination of a rental agreement, requires mediation before eviction proceedings, and appropriates funds to support these measures.

Stable housing is critical for the well-being of Hawai'i's keiki and families. By extending the notice period from 5 business days to 10 calendar days, this bill provides tenants with a more reasonable timeframe to address rental issues, seek assistance, and engage in productive dialogue with landlords. This adjustment ensures that families, particularly those with children, are not forced into sudden housing instability or homelessness due to an unreasonably short notice period.

Furthermore, requiring landlords to mediate before proceeding with eviction is a crucial step toward preventing unnecessary displacement. Mediation offers a fair and balanced process that allows tenants and landlords to find mutually beneficial solutions. This measure prioritizes communication and problem-solving over immediate eviction by delaying filing a summary possession action when mediation is scheduled or attempted. Given the high cost of living in Hawai'i, many families face financial hardships that may be resolved with time and support, making mediation a key tool in preventing homelessness.

Additionally, requiring landlords to include specific information in the 10-day notice ensures that tenants are fully informed of their rights and available resources. Access to clear and comprehensive information can significantly affect a tenant's ability to respond effectively and seek assistance.

Finally, appropriating funds to support mediation services is essential for ensuring the success of this initiative. Mediation centers require adequate resources to handle increased caseloads efficiently, and funding will help ensure the timely resolution of disputes while reducing the burden on the court system.

Housing insecurity is among Hawai'i's greatest threats to child and family well-being. S.B. No. 825 S.D. 1 is necessary to create a fairer and more compassionate approach to landlord-tenant relationships, preventing evictions that can lead to long-term hardship for Hawai'i's keiki and their families.

For these reasons, HCAN urges the committee to **pass S.B. No. 825 S.D. 1.**

Mahalo for the opportunity to provide testimony in **STRONG SUPPORT** on this critical measure.



**BOARD OF
DIRECTORS**

PRESIDENT
Shaunda A.K. Liu
Makaimoku

VICE PRESIDENT
Sandra Tokuke

TREASURER
James Kunimura

SECRETARY
Kimberly Lin

DIRECTORS
Haidee Abe
Rev. Eric S. Anderson
Amanda Craig
Ha'aheo Kaho'ohalahala
Cheryl Matsumura
Jessica Uchida

**DIRECTORS
EMERIT**
Andrew Wilson
Jennifer Zelko-Schlueter

STAFF

**EXECUTIVE
DIRECTOR**
Julie Mitchell

CASE MANAGERS
Sandi Alstrand
Ashlee McCormick

OFFICE MANAGER
Diana Blizzard

**PROGRAMS &
COMMUNICATIONS
COORDINATOR**
Shelby Morrison

a partner agency of the



Ku'ikahi Mediation
Center is a 501(c)(3)
nonprofit organization,
donations to which are
tax-deductible. We
welcome your support!

Testimony to the Senate Committee on Ways & Means and Committee on Judiciary
Wednesday, February 19, 2025, 10:16 a.m.
Conference Room 211 & Videoconference

RE: Support of SB 825, SD1, Relating to Eviction Mediation

Dear Chair Dela Cruz and Chair Rhoads, Vice Chair Moriwaki and Vice Chair Gabbard,
and Members of the Committees:

As a local non-profit organization, **Ku'ikahi Mediation is submitting testimony to strongly support SB 825, SD1, which establishes and funds a pre-litigation mediation pilot program.** This bill promotes housing stability, prevents homelessness, and provides valuable resources to help both landlords and tenants avoid the high costs of eviction and maintain stable tenancies.

Because of the COVID pandemic, Hawai'i established a temporary Emergency Rental Assistance Program (ERAP) and a one-year Act 57 Landlord Tenant Eviction Mediation Program to slow the spread of COVID and prevent a "tsunami" of evictions. Combined, these two programs successfully kept tens of thousands of families across the state stably housed during the pandemic.

According to recent research by Hawai'i Appleseed Center for Law and Economic Justice, an estimated 2,500 evictions are filed each year across the state. Evictions are harmful to our housing ecosystem and the landlords who rely on rent payments and consistent tenants. Evictions are especially harmful to the individual or family losing their home and can lead to homelessness. The cost of eviction on individuals and households includes, but is not limited to: interrupted employment and schooling leading to a loss of wages; negative health impacts, such as anxiety and depression; and impaired legal records and credit histories which make it harder to find future housing.

According to estimates provided by the "Eviction Cost Calculator," developed by Innovation for Justice, a social justice-focused legal innovation lab housed at both Arizona Law and University of Utah School of Business, Hawai'i's estimated 2,500 annual evictions led to over \$30 million in public costs. These costs result from the increased need for emergency shelters, in-patient care emergency room at hospitals, and foster care and juvenile detention. According to research by Hawai'i Appleseed Center, for every tax dollar spent on rental assistance and landlord/tenant mediation programs, the public saves six dollars on homeless services.

In the County of Hawai'i, Ku'ikahi Mediation Center (KMC) and West Hawai'i Mediation (WHMC), worked jointly on the Act 57 Statewide Landlord Tenant Eviction



**BOARD OF
DIRECTORS**

PRESIDENT
Shaunda A.K. Liu
Makaimoku

VICE PRESIDENT
Sandra Tokuke

TREASURER
James Kunimura

SECRETARY
Kimberly Lin

DIRECTORS
Haidee Abe
Rev. Eric S. Anderson
Amanda Craig
Ha'aheo Kaho'ohalahala
Cheryl Matsumura
Jessica Uchida

**DIRECTORS
EMERIT**
Andrew Wilson
Jennifer Zelko-Schlueter

STAFF

**EXECUTIVE
DIRECTOR**
Julie Mitchell

CASE MANAGERS
Sandi Alstrand
Ashlee McCormick

OFFICE MANAGER
Diana Blizzard

**PROGRAMS &
COMMUNICATIONS
COORDINATOR**
Shelby Morrison

Mediation Program during the period of August 7, 2021 to August 6, 2022. The legislature's passage of Act 57 was crucial to this program's success.

Of the 285 Act 57 landlord/tenant cases received via 15-day eviction notices by KMC and WHMC, 53% mediated. Of the cases that mediated, 79% were resolved and 21% were not resolved. Of the cases that did not mediate, 72% conciliated or settled prior to mediation (largely due to the receipt of rental assistance), 22% had tenants chose not to mediate, and 6% were closed for other reasons (e.g., unable to reach tenant). Thus, 76% of all 285 Act 57 landlord/tenant cases were successfully resolved, either through mediated agreements or conciliations and settlements prior to mediation.

Establishing a new statewide landlord/tenant mediation program is crucial step to reduce the social and financial harm caused by evictions, especially critical as our state (and nation) are facing an affordable housing crisis.

We strongly urge you to pass this legislation. Thank you for reading this testimony.

Mahalo,

Julie Mitchell
Executive Director

a partner agency of the



Ku'ikahi Mediation Center is a 501(c)(3) nonprofit organization, donations to which are tax-deductible. We welcome your support!

SB-825-SD-1

Submitted on: 2/15/2025 8:23:39 AM

Testimony for WAM on 2/19/2025 10:16:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this measure.

SB-825-SD-1

Submitted on: 2/16/2025 8:17:33 AM

Testimony for WAM on 2/19/2025 10:16:00 AM

Submitted By	Organization	Testifier Position	Testify
Kayelina Publico	Individual	Support	Written Testimony Only

Comments:

Aloha mai kakou. My name is Kayelina Publico and I am a University of Manoa's Social Sciences program student, graduating in May 2025. I am in support of bill SB 825 but urge the meditation period to be moved from 10 to 15 calendar days.

The cost of living in Hawaii is the highest in the nation with homelessness at 17.7%, higher than the national average. 36.1% of families in Hawaii from 2018-2022 had multiple children and 51.4% of households with a renting housing cost burden from 2015-2021. Additionally, 28.5% of children under 18 live in and with low-income families which has increased from 2017-2021's numbers. This is all from the Hawai'i Children's Action Network.

10 calendar days of mediation does not allow enough time for parents to sort affairs, take care of children, work a full-time job, and deal with the crushing weight of lack of affordability in the state of Hawai'i. 15 calendar days would allocate at least 4 days off from work (assuming the individual works only 40 hours, 5 days a week) to notify jobs in case of absence, find adequate care for children who need supervision in case of a parental absence period, and seek aid or other options in case the decision leads to eviction.

Though this affects the citizens of Hawaii, I was living on \$14, in Atlanta, GA, which is the minimum wage in Hawai'i, working 40-50 hours a week, when I received an eviction notice on my door. I was trying to put myself through school at Kapi'olani Community College and support myself financially. I had medical ailments I couldn't afford to seek help for and was barely treading water financially.

Giving someone a little extra time to sort affairs, could be the difference between a great or a good quality of life for the citizens of Hawai'i and the families that contribute to the economy. With SB 825, I want to make sure that those who cannot or do not want to leave

their home or island are given the ability to pull themselves out of financial hardship and provide a better quality of life for themselves or their children.

Mahalo nui loa for your time and consideration.

SB-825-SD-1

Submitted on: 2/17/2025 8:40:52 PM

Testimony for WAM on 2/19/2025 10:16:00 AM

Submitted By	Organization	Testifier Position	Testify
Tasman Kekai Mattox	Individual	Support	Written Testimony Only

Comments:

5 days is certainly not enough time; 10 would be a marked improvement, and mediation is key in such situations.

DAVID W.H. CHEE

David W.H. Chee
Telephone: 808-539-1150
mail: dchee@dcheelaw.com

Attorney at Law
1001 Bishop Street
ASB Tower, Suite 585
Honolulu, Hawaii 96813
Facsimile No. 808-208-8689

Christine S. Prepose-Ka
Telephone: 808-784-4444
Email: cprepose@dcheelaw.com

February 18, 2025

Ways and Means Committee

Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

LATE

RE: SB825 Re Eviction Mediation.

Dear Senators,

I am an attorney and have practiced landlord-tenant law for the last 30 years. I generally support the intent of this bill, being the early resolution of evictions due to unpaid rent. Unfortunately, this bill will not achieve that goal and I am writing in opposition.

I am one of the people who assisted in drafting Act 57, on which this bill is based. The primary reason Act 57 was successful in saving tenancies was that robust financial support for tenants was made available. Since nonpayment evictions are, by definition, all about the lack of money, saving tenancies when substantial rent assistance was available was relatively straightforward. Act 57 worked because money was available.

Without robust rental assistance, SB825 will not make it more likely that a tenant in a financial crisis will be able to stay in their home because it does not solve the tenant's financial crisis. Unless financial aid is provided, a tenant who cannot pay their rent before mediation is unlikely to be able to pay their rent after mediation.

Mediation cannot solve this fundamental problem. As a result, SB825 will simply make it more difficult and time-consuming for housing providers to rightly recover their properties when their customers do not pay. Because it does not come with any significant money to solve the customers' nonpayment problems, SB825 merely adds another time-consuming hoop through which the housing provider must jump to regain their property. This will increase the cost of providing housing, which will ultimately be passed on to other tenants.

Unless the State of Hawaii provides significant money to assist tenants who have not paid their rent, SB825 will do nothing to save tenancies and will increase housing costs throughout the State. You should, therefore, oppose this bill.

Thank you for considering my testimony.

February 18, 2025

Page 2

(RE: SB22)

Please let me know if you have any questions.

Very truly yours,

/s/ David W. H. Chee

David W. H. Chee